

# EXHIBIT 7

**IN THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF WEST VIRGINIA**

**Wheeling Division**

**DIANA MEY,  
DAVID and ROXY VANCE,  
RUSSELL LOCKE, and  
THOMAS STARK, individually  
and on behalf of a class of all  
persons and entities similarly situated,**

**Plaintiffs,**

**vs.**

**Case No. 5:17-cv-00179-JPB**

**DIRECTV, LLC,**

**Defendant.**

**DECLARATION OF ADAM COX**

I attest under the pains and penalties of perjury that the following facts are true and based on my personal knowledge.

1. I was the owner and operator of AC1 Communications ("AC1").
2. Between June 2017 and January 2019, AC1 was a Preferred Dealer for DirecTV and was authorized to market and sell DirecTV's goods and services.
3. On December 3, 2019, I was deposed in regards to the above matter.
4. On December 5, 2019, I provided a declaration to supplement and clarify my deposition testimony. I now provide this declaration to further supplement my testimony.
5. I provide this additional declaration to further describe the role of my supervisor from DirecTV, Steve Shapiro, in regards to the marketing practices of AC1 and other DirecTV authorized dealers for whom I worked.
6. I first met Steve Shapiro when I worked for Steel Security, which was an authorized dealer of both DirecTV and ADT. I worked at Steel Security with Mike Scott.
7. Steve Shapiro was the DirecTV manager assigned to supervise Steel Security.
8. Steel Security sold for both DirecTV and ADT via outbound telemarketing.

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9. Mike Scott and I were consistently among the leading telemarketing salespeople at Steel Security.

10. Steve Shapiro knew that Steel Security was using outbound telemarketing practices to generate sales for DirecTV.

11. Steve Shapiro knew that Mike Scott and I were the leading telemarketing sales agents at Steel Security.

12. I managed the Steel Security call center, which had approximately six to eight call stations for telemarketers.

13. Steve Shapiro regularly visited the call center at Steel Security and knew we were engaging in outbound telemarketing to sell DirecTV.

14. Steve Shapiro was in the Steel Security call center at numerous times while our telemarketers were making outbound calls.

15. At the time we worked at Steel Security, DirecTV's rules also prohibited generating new sales via telemarketing.

16. Mike Scott expressed interest to Steve Shapiro about opening a new DirecTV dealership under a different trade name.

17. Mike Scott left Steel Security and opened North Kentucky Satellite as a DirecTV authorized dealer.

18. Mr. Shapiro's territory, however, did not cover Ohio where both Mike Scott and I resided.

19. Mr. Shapiro instructed Mike Scott that he should open the new dealership using a P.O. box based on Kentucky to remain within Shapiro's supervisory territory for DirecTV.

20. Mike Scott created a P.O. Box for North Kentucky Satellite in Kentucky to fall within the supervisory region of Mr. Shapiro.

21. Mike Scott created North Kentucky Satellite and applied to be an authorized dealer of DirecTV. The application was approved, and I went to work for Mike Scott at North Kentucky Satellite several months after he opened it. Sean Lamb joined North Kentucky Satellite after me.

22. For approximately one year, I worked for North Kentucky Satellite generating new sales for DirecTV via outbound telemarketing.

23. Similar to Steel Security, North Kentucky Satellite had a call center with approximately twelve call stations.

24. At the time, the use of outbound telemarketing to generate new sales for DirecTV was prohibited.

25. I was personally aware, however, that many other DirecTV authorized dealers in my area were generating new sales for DirecTV via outbound telemarketing.

26. Mr. Shapiro also knew we were telemarketing and encouraged it.

27. Mr. Shapiro was in the call center at numerous times while our telemarketers were making outbound calls.

28. While I was managing the North Kentucky Satellite call center, I observed Mr. Shapiro take several telemarketing calls for approximately ten minutes.

29. I was the general manager for North Kentucky Satellite and used outbound telemarketing to generate sales and ran daily operations of the call center.

30. In the spring of 2017, I inquired with Steve Shapiro about opening my own DirecTV authorized dealership, and he supported and encouraged it.

31. My credit history would not individually support opening an authorized dealership, so Shapiro suggested that I form the business through my father because his credit was better.

32. Like he did for Mike Scott, Steve Shapiro advised my father and me to use a Kentucky P.O. Box to setup AC1, so my dealership would fall within his jurisdiction.

33. In June of 2017, I opened AC1 and was approved to be a DirecTV preferred dealer.

34. Steve Shapiro was assigned by DirecTV to supervise my business because I was in his region.

35. Like I did at Steel Security and North Kentucky Satellite, I primarily used outbound telemarketing to generate new sales for DirecTV at AC1.

36. At all times, Steve Shapiro knew that AC1 was generating sales for DirecTV via outbound telemarketing, although DirecTV's policies prohibited the use of outbound telemarketing to generate new consumer sales.

37. To make telemarketing calls, I used the same lead source at AC1 as we used at North Kentucky Satellite. The vendor was called Electronic Voice Services, Inc, a/k/a Telephonelists.biz.

38. I also used the Xencall dialer to make telemarketing calls automatically. This was the same platform used by North Kentucky Satellite.

39. AC1 also used the same call center setup as North Kentucky Satellite. We used the call center exclusively to generate new sales for DirecTV.

40. Approximately 95% of AC1's business was generated as a result of outbound telemarketing campaigns. A small percentage was generated by traditional door knocking and sales events at, for example, state fairs.

41. Steve Shapiro, at all times, was aware of AC1's outbound telemarketing campaigns to sell DirecTV and knew that the vast majority of AC1's sales were generated using telemarketing practices.

42. The AC1 call center was in the basement of my business with a reception and showroom on the main floor.

43. The AC1 call center had approximately ten call stations.

44. Steve Shapiro visited the AC1 call center in the basement several times while our telemarketers were making outbound calls.

45. Shapiro gave top telemarketers prizes and other incentives.

46. Mr. Shapiro visited the AC1 call center before the *Mey* TCPA litigation was filed. He visited the call center even after the *Mey* TCPA litigation was filed.

47. AC1 did not confirm the consent of consumers to receive its telemarketing calls before we called them.

48. AC1 did not suppress its calls against the Do Not Call Registry.

49. Steve Shapiro would also regularly setup meetings away from the call center when more senior employees of DirecTV wanted to meet with AC1. We called those "offshore" meetings.

50. I believe Mr. Shapiro scheduled these meetings “offshore” so more senior personnel at DirecTV would not be aware that AC1 was generating sales for DirecTV via telemarketing.

51. Steve Shapiro regularly promoted incentive contests for the top telemarketers at AC1.

52. As part of those incentive contests, Shapiro gave away tickets to sporting events, Play Stations, Xboxes, cash, and gift cards.

53. Steve Shapiro visited AC1 monthly. We would often have company meetings where I would announce telemarketing sales leaders and Mr. Shapiro would present the prizes to the winners.

54. Steve Shapiro would regularly provide us with “closer coupons” and gift cards to offer to potential customers to close DirecTV telemarketing sales.

55. Steve Shapiro also directly e-mailed with members of my telemarketing sales team without copying me. These individuals included Sean Lamb, Josh Kerr, David Nolan and Kevin Brien.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

EXECUTED THIS \_\_\_\_ DAY OF JANUARY, 2022.



/S/ ADAM COX  
OWNER AND OPERATOR OF  
AC1 COMMUNICATIONS